

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-SIXTH DAY — THURSDAY, APRIL 20, 1995

The house met at 10:45 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 185).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Absent, Excused — Patterson; Turner, S.; Zbranek.

## LEAVES OF ABSENCE GRANTED

On motion of Representative Rodriguez and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

## RULES SUSPENDED

Representative Rodriguez moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent bills calendars which were considered on the previous legislative day.

The motion prevailed without objection.

## HB 2811 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 2811**, A bill to be entitled An Act relating to group hospital and medical services fees and services at component institutions of The Texas A&M University System.

The bill was read third time.

**Amendment No. 1**

Representatives Ogden and Swinford offered the following amendment to the bill:

Amend **HB 2811** on third reading as follows:

(1) On page 1, line 13, after "levy" insert "and amount".

(2) On page 1, line 17, strike "of more than 10 percent".

Amendment No. 1 was adopted without objection.

**HB 2811**, as amended, was passed.

**LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

**SB 314** (Finnell - present, not voting)

**SB 864**

**HB 2020**

**HB 676** (Chisum and Heflin - no; Finnell - present, not voting)

**HB 682** (Chisum, Finnell, Heflin, and Kubiak - no)

**HB 1136**

**HB 1145** (Heflin - no)

**HB 1226**

**HB 1295**

**HB 1381**

**HB 1405**

**HB 1407** (Finnell - present, not voting)

**HB 1408**

**HB 1503**

**HB 1504** (Chisum, Finnell, and Heflin - no)

**HB 1505**

**HB 1506**

**HB 1659** (Chisum and Heflin - no)

**HB 1698**

**HB 1757**

**SB 1172**

**HB 1818**

**HB 1991** (Chisum and Heflin - no)

**HB 2008**

**HB 2093**

**HB 2094**

**HB 2355**

**HB 2624** (Smithee - no; Finnell - present, not voting)

**HB 2725** (Finnell - no)

**HB 3122**

**HB 3134**

**HB 3166**

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 186): 141 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker.

Absent, Excused — Patterson; Turner, S.; Zbranek.

Absent — Bailey; Berlanga; Lewis, R.; Torres; Williamson.

**SB 114** (141-0-1)

**HB 436** (141-0-1)

**HB 437** (141-0-1)

**HB 438** (141-0-1)

**HB 1242** (141-0-1)

**HB 877** (141-0-1)

**HB 1338** (141-0-1)

**HB 1507** (Heflin - no) (140-1-1)

**HB 1593** (Finnell - present, not voting) (140-0-2)

**HB 1695** (141-0-1)

**HB 2066** (141-0-1)

**HB 2527** (Finnell - no) (140-1-1)

**HB 2529** (141-0-1)

#### **HR 642 - ADOPTED**

Representative Hightower moved to suspend all necessary rules to take up and consider at this time **HR 642**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Hightower and Johnson,

**HR 642**, Honoring the Honorable M. B. Etheredge.

The resolution was adopted without objection.

On motion of Representative Stiles, the names of all the members of the house were added to **HR 642** as signers thereof.

#### **INTRODUCTION OF GUEST**

The chair recognized Representative Hightower who introduced the Honorable M. B. Etheredge.

(Speaker in the chair)

#### **SPEAKER'S REUNION DAY**

The speaker announced that the speaker's reunion day ceremony would be held during recess.

#### **RECESS**

Representative Berlanga moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 11:02 a.m., recessed until 2 p.m. today.

#### **AFTERNOON SESSION**

The house met at 2 p.m. and was called to order by the speaker.

#### **HR 655 - ADOPTED**

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 655**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak,

**HR 655**, Honoring James L. Campbell.

The resolution was adopted without objection.

**HR 648 - ADOPTED**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 648**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton,

**HR 648**, Honoring Tyrone Dorian.

The resolution was adopted without objection.

**HR 649 - ADOPTED**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 649**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton,

**HR 649**, Honoring Harold V. Dutton, Sr.

The resolution was adopted without objection.

**HR 651 - ADOPTED**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 651**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton,

**HR 651**, Congratulating Bernadette Presley-Selexman.

The resolution was adopted without objection.

**HR 656 - ADOPTED**

Representative Siebert moved to suspend all necessary rules to take up and consider at this time **HR 656**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Siebert,

**HR 656**, Congratulating William and Christine Howard Garretson on the occasion of their 50th wedding anniversary.

The resolution was adopted without objection.

### **HB 3219 - PERMISSION TO INTRODUCE**

Representative Cook moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3219**.

A record vote was requested.

The motion prevailed by (Record 187): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patterson; Turner, S.; Zbranek.

Absent — Hudson; Munoz; Price.

### **HB 3220 - PERMISSION TO INTRODUCE**

Representative Howard moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3220**.

A record vote was requested.

The motion prevailed by (Record 188): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez;

Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patterson; Turner, S.; Zbranek.

Absent — Hudson; Longoria; Mowery; Price; Saunders.

### MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HB 1178** by Thompson (Sponsor-Ellis), relating to authorizing municipalities to use the competitive sealed proposal procedure for certain purchases (amended).

#### Local and Uncontested Bills

**HB 2** by Black, Berlanga, Craddick, Gallego, et al. (Sponsor-Brown), relating to restrictions on contributions to legislative caucuses during regular sessions of the legislature and to reporting requirements concerning caucus contributions and expenditures; providing penalties.

**HB 731** by Allen, et al. (Sponsor-Harris, Chris), relating to the investment of funds of a local government or an institution of higher education.

**HB 1207** by Cook (Sponsor-Sibley), relating to the authority of a hospital district to contract with the Texas Department of Health for the provision of certain health care services.

**HB 1219** by Hightower (Sponsor-Sims), relating to the handling and quarantine of certain animals; providing a penalty.

**SCR 74** by Rosson, declaring it state policy to make readily available to the public facts and information on the operation, funding, distribution, and allocation of state government resources, and directing executive-branch entities to develop and disseminate such facts and information.

**SCR 95** by Wentworth, declaring the Mexican free-tailed bat the "Official Flying Mammal" of the State of Texas.

**SCR 98** by Bivins, paying tribute to Harry G. Heyman.

**SB 80** by Shapiro, relating to requiring training in issues concerning sex offender characteristics for certain judicial and law enforcement professionals.

**SB 81** by Shapiro, et al., relating to the establishment of children's advocacy centers.

**SB 512** by Harris, Chris, relating to payment for a statement of facts in a suit affecting the parent-child relationship.

**SB 514** by Harris, Chris, relating to the availability of health insurance for certain children the subject of a child support order.

**SB 621** by Harris, Chris, relating to the requirement that certain licensing agencies share certain background information with regard to license applicants and license holders.

**SB 622** by Harris, Chris, relating to the establishment and operation of a domestic relations office; providing a penalty.

**SB 653** by Galloway, relating to fees paid by certain registered professional engineers.

**SB 691** by West, Royce, relating to the appointment of an acting county judge.

**SB 701** by West, Royce, relating to the creation of municipal courts of record in Grand Prairie.

**SB 783** by Ratliff, relating to the right of a person leasing property to administrative and judicial review of a determination of the appraised value of the property for ad valorem taxation.

**SB 789** by Harris, Chris, relating to possession and delivery of a child in an emergency without a court order.

**SB 794** by Harris, Chris, relating to the effective date of a county sales and use tax for the purpose of financing the operation of a crime control and prevention district.

**SB 805** by Gallegos, relating to exempting certain youth camps from child-care licensing requirements.,

**SB 861** by Ellis, relating to leaves of absence for certain deputy sheriffs.

**SB 900** by Henderson, relating to the admissibility in a suit affecting the parent-child relationship of evidence relating to the use or nonuse of a child passenger safety seat system or a safety belt in certain motor vehicles being operated on a highway.

**SB 912** by Armbrister, relating to associate judges appointed by the county courts at law of Fort Bend County.

**SB 918** by Wentworth, relating to the appeal from a justice or municipal court in a criminal case.

**SB 927** by Zaffirini, relating to the conveyance of a Texas Turnpike Authority project.

**SB 955** by Nelson, relating to exemptions from regulation as a food manufacturer or wholesaler.

**SB 980** by Truan, relating to the operation on highways of vehicles that are equipped with monitoring devices used in conjunction with mobile navigational systems.

**SB 1020** by Brown, relating to the transfer of certain programs from the governor's office.

**SB 1028** by Haywood, relating to regulating the sale of livestock at auction.

**SB 1069** by Sims and Ellis, relating to including a multiracial classification on all forms requesting information on racial identification and providing for reporting racial information to federal agencies.

**SB 1159** by Sibley, relating to arbitration of a dispute with the General Services Commission regarding certain building construction contracts.

**SB 1181** by Armbrister, relating to credit services organizations.

**SB 1182** by Armbrister, relating to certain reports filed with the Office of the Secretary of State.

**SB 1281** by Sibley, relating to security devices in housing owned or operated by certain public or private colleges or universities.

**SB 1282** by Rosson, relating to the authority of the School Land Board to dedicate permanent school fund land for public uses in exchange for nonmonetary consideration.

**SB 1347** by West, Royce, relating to securing or guaranteeing payment on in-kind sales through insurance contracts or other agreements.

**SB 1356** by Haywood, relating to the commingling of oil and gas production.

**SB 1369** by Wentworth, relating to the regulation of development by a municipality in certain circumstances.

**SB 1403** by Bivins, relating to the automatic suspension of the driver's license of a person convicted of certain drug offenses.

**SB 1407** by Harris, Chris, relating to contractual arrangements among health maintenance organizations, physicians, and other providers.

**SB 1408** by Harris, Chris, relating to the parent-child relationship and certain child welfare services.

**SB 1512** by Cain, relating to the implementation of an automated highway-railroad grade crossing enforcement system demonstration project.

**SB 1513** by Cain, relating to certain special stops required of motor vehicles at railroad crossings; creating offenses and providing penalties.

**SB 1572** by Henderson, relating to encouraging the use of alternative dispute resolution in certain proceedings.

**SB 1573** by Henderson, relating to powers and duties of parents appointed as conservators of a child in a suit affecting the parent-child relationship.

**SB 1627** by Sibley, relating to the dissolution of the DeLeon Hospital District and the Comanche County Hospital District and the creation of the Leon Valley Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

Respectfully,  
Betty King  
Secretary of the Senate

#### **HB 721 WITH SENATE AMENDMENT**

Representative De La Garza called up with a senate amendment for consideration at this time,

**HB 721**, A bill to entitled An Act relating to the control of rabies; providing criminal penalties.

(Dutton in the chair)

On motion of Representative De La Garza, the house concurred in the senate amendment to **HB 721** by (Record 189): 106 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Driver; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Gallego; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Harris; Hartnett; Hawley; Hernandez; Hightower; Hill; Hirschi; Hochberg; Holzheuser; Hunter, B.; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Lewis, G.; Lewis, R.; Luna; Marchant; Maxey; McCall; McCoulskey; McDonald; Mowery; Munoz; Naishtat; Nixon; Oliveira; Park; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Smithee; Solis; Stiles; Swinford; Telford; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wohlgemuth; Wolens; Yarbrough; Yost.

Nays — Brimer; Corte; Culberson; Denny; Elkins; Haggerty; Hefflin; Hilbert; Hilderbran; Horn; Howard; Jackson; Krusee; Kubiak; Kuempel; Madden; Moffat; Ogden; Rabuck; Shields; Siebert; Solomons; Staples; Talton; Woolley.

Present, not voting — Mr. Speaker; Dutton(C).

Absent, Excused — Patterson; Turner, S.; Zbranek.

Absent — Alexander; Dukes; Duncan; Glaze; Hudson; Hunter, T.; King; Longoria; Moreno; Oakley; Place; Price; Thompson; Willis.

## **HB 721 - TEXT OF SENATE AMENDMENT**

### **Senate Amendment No. 1**

Amend **HB 721** in SECTION 10, Sec. 826.0451, by adding a new subsection (f) to read as follows:

"(f) This section does not apply to a veterinarian, a peace officer, a person employed by an animal shelter, or a person who is employed by or under contract with the state or a political subdivision of the state to deal with stray animals and who has temporary ownership, custody, or control of the animal in connection with that position."

(Speaker in the chair)

## **HR 650 - ADOPTED**

Representatives Greenberg, T. Hunter, and Mowery moved to suspend all necessary rules to take up and consider at this time **HR 650**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Greenberg, Mowery, and T. Hunter,

**HR 650**, Condemning the bombing of the Alfred P. Murrah Federal Building.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 650** as signers thereof.

### HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Howard,

**HB 3217**, A bill to be entitled An Act relating to associate judges appointed by the county courts at law of Fort Bend County.

To Committee on Judicial Affairs.

By Cook and Williamson,

**HB 3218**, A bill to be entitled An Act relating to the creation of a game sanctuary along the Brazos River in Palo Pinto and Parker counties; providing a penalty.

To Committee on State Recreational Resources.

### RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Uher,

**HCR 166**, Encouraging the Department of Public Safety to include additional information regarding alcohol and drug abuse in the Texas Drivers Handbook.

To Committee on Public Safety.

By Oakley,

**HCR 168**, Renaming the Terrell State Hospital Family Center the Martha Allen Family Center.

To Committee on State Affairs.

By Clemons,

**HR 635**, Honoring Jim E. Thomas on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Clemons,

**HR 636**, Honoring Verda Malone Logan on the occasion of her retirement.

To Committee on Rules and Resolutions.

By Clemons,

**HR 637**, Honoring Joe W. Belk on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Howard,

**HR 638**, Honoring the Reverend Gerald B. Ray on his 25th anniversary as minister of music at Houston's First Baptist Church.

To Committee on Rules and Resolutions.

By Davila,

**HR 639**, In memory of Pasadena police officer Les Early.

To Committee on Rules and Resolutions.

By Davila,

**HR 640**, Honoring Texas Young Democrats.

To Committee on Rules and Resolutions.

**SENATE BILLS ON FIRST READING**

The following senate bills were today laid before the house, read first time, and referred to committees:

**SB 103** to Committee on State Affairs.

**SB 178** to Committee on Environmental Regulation.

**SB 254** to Committee on Public Safety.

**SB 368** to Committee on Agriculture and Livestock.

**SB 428** to Committee on Ways and Means.

**SB 537** to Committee on Appropriations.

**SB 543** to Committee on Urban Affairs.

**SB 654** to Committee on Elections.

**SB 867** to Committee on Appropriations.

**SB 899** to Committee on Land and Resource Management.

**SB 1284** to Committee on Insurance.

**SB 1360** to Committee on Transportation.

**RESOLUTION REFERRED TO COMMITTEE**

The following resolution was laid before the house and referred to committee:

**SCR 109**, Designating April 21-29, 1995, and April 21-27, 1996, as National Science and technology Week in Texas.

To Committee on Rules and Resolutions.

**SB 482 ON THIRD READING**

**(Berlanga and Naishtat - House Sponsors)**

The speaker laid before the house, as postponed business, on its third reading and final passage,

**SB 482**, A bill to be entitled An Act relating to the creation, powers, and duties of the Texas Volunteer Health Corps.

The bill was read third time on April 19 and postponed until 10 a.m. today.

A record vote was requested.

**SB 482** was passed by (Record 190): 76 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Clemons; Coleman; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goolsby; Gray; Greenberg; Hawley; Hernandez; Hightower; Hilbert; Hirschi; Hochberg; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.; Junell; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Nixon; Pickett; Place; Price; Puente; Rangel; Raymond;

Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Smithee; Solis; Stiles; Telford; Thompson; Tillery; Torres; Van de Putte; West; Willis; Wolens; Yarbrough.

Nays — Allen; Averitt; Brimer; Carona; Carter; Chisum; Combs; Cook; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Goodman; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilderbran; Hill; Horn; Howard; Hunter, B.; Jackson; Janek; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Oakley; Ogden; Park; Pitts; Rabuck; Ramsay; Reyna; Saunders; Shields; Siebert; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; Williamson; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patterson; Turner, S.; Zbranek.

Absent — Brady; Gutierrez; Holzheuser; Lewis, G.; Oliveira; Wilson.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 190. I intended to vote no.

Black

I was shown voting yes on Record No. 190. I intended to vote no.

Clemons

I was shown voting yes on Record No. 190. I intended to vote no.

Nixon

When Record No. 190 was taken, I was in the house but away from my desk. I would have voted yes.

Gutierrez

### SB 371 ON THIRD READING (Black - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

**SB 371**, A bill to be entitled An Act relating to the continuation and functions of the Texas Food and Fibers Commission.

The bill was read third time and was passed.

### SB 260 ON THIRD READING (J. Jones - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

**SB 260**, A bill to be entitled An Act relating to a municipal drainage utility system.

The bill was read third time and was passed.

### SB 68 ON THIRD READING (Hochberg and Farrar - House Sponsors)

The speaker laid before the house, on its third reading and final passage,

**SB 68**, A bill to be entitled An Act relating to the reckless discharge of a firearm; creating an offense and providing criminal penalties and civil remedies.

The bill was read third time.

**Amendment No. 1**

Representative Puente offered the following amendment to the bill:

Amend **SB 68** on third reading by amending 2nd reading amendment No. 2 by Puente to read as follows:

Amend **SB 68** by adding the following new section and renumbering the subsequent sections accordingly.

SECTION 1. Section 22.05(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if he knowingly discharges a firearm at or in the direction of:

(1) one or more individuals;

(2) a habitation; or

(3) a building, or vehicle and is reckless as to whether the building or vehicle is occupied. ~~[or (2) a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.]~~

Amendment No. 1 was adopted without objection.

**SB 68**, as amended, was passed.

**HB 120 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 120**, A bill to be entitled An Act relating to the imposition of a fee on a defendant who requests participation in a teen court program.

The bill was read third time and was passed.

**HB 330 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 330**, A bill to be entitled An Act relating to the payment of certain fees and court costs by a person who successfully completes a teen court program.

The bill was read third time and was passed. (Shields recorded voting no)

**HB 2168 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2168**, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

The bill was read third time and was passed.

**HB 2015 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2015**, A bill to be entitled An Act relating to statutory changes to obtain delegation to Texas of the National Pollutant Discharge Elimination System.

The bill was read third time and was passed.

### **HB 280 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 280**, A bill to be entitled An Act relating to limiting the liability of certain persons for certain activity of an equine animal.

The bill was read third time and was passed.

### **HB 420 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 420**, A bill to be entitled An Act relating to the admission standards, tuition, fees, and governing boards of general academic teaching institutions and university systems and to testing and remedial education by general academic teaching institutions and university systems.

The bill was read third time.

### **Amendment No. 1**

Representative Jackson offered the following amendment to the bill:

Amend **HB 420** on third reading by adding the following appropriately numbered section:

SECTION \_\_\_\_\_. Subchapter A, Chapter 130, Education Code, is amended by adding Section 130.008 to read as follows:

Sec. 130.008. NAMING OF BUILDING OR FACILITY BY GOVERNING BOARD. Section 51.734 applies to the governing board of a public junior college to the same extent as the governing board of a general academic teaching institution.

Amendment No. 1 was adopted without objection.

**HB 420**, as amended, was passed.

### **HB 40 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 40**, A bill to be entitled An Act relating to the requirement of DNA analysis of certain inmates and to the creation of a DNA database; providing a penalty.

The bill was read third time and was passed.

### **HB 1876 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1876**, A bill to be entitled An Act relating to the regulation and control of sanitary sewer overflows.

The bill was read third time and was passed.

**HB 1227 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1227**, A bill to be entitled An Act relating to repossession of a motor vehicle for repair charges.

The bill was read third time and was passed.

**HB 1587 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1587**, A bill to be entitled An Act relating to the powers and duties of the Texas Public Finance Authority and to the issuance of bonds for certain state projects; granting the power of eminent domain; validating a prior appropriation.

The bill was read third time and was passed.

**HB 1200 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1200**, A bill to be entitled An Act relating to the regulation of medical radiologic technologists and other persons who perform radiologic procedures; providing civil and criminal penalties.

The bill was read third time and was passed.

**HB 347 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 347**, A bill to be entitled An Act relating to insurance coverage for certain real property foundations.

A record vote was requested.

The bill was read third time and was passed by (Record 191): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Puente; Rabuck; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patterson; Turner, S.; Zbranek.

Absent — Ehrhardt; Hudson; Place; Price; Ramsay.

(S. Turner now present)

### HB 3116 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

**HB 3116**, A bill to be entitled An Act relating to an exemption from annual registration fees for retired physicians performing voluntary charity care.

A record vote was requested.

The bill was read third time and was passed by (Record 192): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Puente; Rabuck; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patterson; Zbranek.

Absent — Alonzo; Hudson; Price; Ramsay; Yarbrough.

### HB 2341 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

**HB 2341**, A bill to be entitled An Act relating to research for the control of fire ants.

A record vote was requested.

The bill was read third time and was passed by (Record 193): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs;

Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patterson; Zbranek.

Absent — Alonzo; Hudson; Moreno; Price; Rangel; Thompson.

### **HB 773 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 773**, A bill to be entitled An Act relating to motor vehicle liability insurance premium discounts and dismissal of certain citations for completion of a driving safety course; providing a penalty.

The bill was read third time.

#### **Amendment No. 1**

Representative Smithee offered the following amendment to the bill:

Amend **HB 773** second reading engrossment as follows:

(1) In Sec. 143A(a)(2)(A), add the following between "mail," and "to" (on page 2, lines 6-7):

"postmarked within 30 days from the answer date on the citation."

(2) In Sec. 143(a-1), add the following between "requested;" and "however" (on page 3, lines 6-7):

"and is postmarked within 30 days from the answer date on the citation."

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Solomons offered the following amendment to the bill:

Amend **HB 773** on third reading, in the section adding Article 5.01-1A, Insurance Code, by striking all of Article 5.01-1A and substituting the following:

Art. 5.01-1A. DISCOUNTS FOR DRIVING SAFETY COURSES. The commissioner may adopt rules allowing a premium discount applicable to a personal motor vehicle insurance policy for completion of a driving safety

course approved by the Central Education agency. The amount and conditions under which a motor vehicle insurer may apply a premium discount shall be determined by the commissioner.

Amendment No. 2 was adopted without objection.

**HB 773**, as amended, was passed.

### **HB 530 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 530**, A bill to be entitled An Act relating to the installation of smoke detectors with visual alarms in leased dwellings.

The bill was read third time.

#### **Amendment No. 1**

Representative Carona offered the following amendment to the bill:

Amend **HB 530**, 2nd Reading Engrossment, on page 4, between lines 21 and 22, by adding the following:

(f) This section expires December 31, 1995.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Tillery offered the following amendment to the bill:

Amend **HB 530** (second reading engrossment) as follows:

On page 4, line 11, strike "to provide adequate fire safety measures," and substitute: "to provide an adequate fire warning,"

Amendment No. 2 was adopted without objection.

**HB 530**, as amended, failed to pass.

### **HB 247 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 247**, A bill to be entitled An Act relating to the number and cost of sets of various types of armed forces license plates that may be issued to a person.

The bill was read third time.

#### **Amendment No. 1**

Representative Saunders offered the following amendment to the bill:

Amend the second reading engrossment of **HB 247** by striking Subsections (a) and (b), Section 5k, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5k, Vernon's Texas Civil Statutes), as amended by the bill, and substituting the following:

(a) The department shall design and provide for the issuance of special license plates depicting the state capitol for passenger cars and light commercial motor vehicles having a manufacturer's rated carrying capacity of one ton or

less and shall design and provide for the issuance of special license plates for those vehicles that are owned by persons who are:

(1) active or retired members or honorably discharged veterans of a branch of the armed forces of the United States;

(2) the surviving spouses of individuals killed in action while serving in the armed forces of the United States, as long as the surviving spouse remains unmarried;

(3) survivors of the attack on Pearl Harbor on December 7, 1941, or their surviving spouses who have not remarried;

(4) recipients of the Purple Heart medal or recipients' surviving spouses who have not remarried;

(5) members of the United States Air Force Auxiliary, Civil Air Patrol, members of the United States Coast Guard Auxiliary, or members of the Marine Corps League or its auxiliary;

(6) persons who served in a branch of the armed forces of the United States after December 6, 1941, and before January 1, 1947;

(7) persons who served in a branch of the armed forces of the United States after June 26, 1950, and before February 1, 1955;

(8) persons who served in a branch of the armed forces of the United States after August 4, 1964, and before May 8, 1975, or their surviving spouses; or

(9) persons who served in a branch of the armed forces of the United States, were deployed to the Middle East, and there participated in Operation Desert Shield or Desert Storm.

(b) License plates issued to a member or veteran of a branch of the armed forces, or to the individual's surviving spouse as provided by Subsection (a)(2) of this section, shall bear the designation of the appropriate branch of the armed forces. License plates issued to Pearl Harbor survivors or their surviving spouses who have not remarried shall bear the words "Pearl Harbor Survivor" and shall be numbered consecutively. License plates issued to recipients, or surviving spouses of recipients, of the Purple Heart medal shall bear the Purple Heart emblem, shall bear the words "Purple Heart" at the bottom of each plate, and if numbered plates are issued, shall bear the letters "PH" as the prefix or suffix to the assigned number. License plates issued to members of the civil air patrol shall bear the words "Texas Wing Civil Air Patrol." License plates issued to members of the Coast Guard Auxiliary shall bear the words "Coast Guard Auxiliary." License plates issued to members of the Marine Corps League or its auxiliary shall bear the words "Marine Corps League" and the emblem of the Marine Corps League. License plates issued to persons who served in a branch of the armed forces of the United States after December 6, 1941, and before January 1, 1947, shall bear the words "WWII Veteran." License plates issued to persons who served in a branch of the armed forces of the United States after June 26, 1950, and before February 1, 1955, shall bear the words "Korea Veteran." License plates issued to persons who served in a branch of the armed forces of the United States after August 4, 1964, and before May 8, 1975, or their surviving spouses, shall bear the words "Vietnam Veteran." License plates issued to persons who served in a branch of the armed forces of the United States, were deployed to the Middle East, and there

participated in Operation Desert Shield or Desert Storm shall bear the words "Desert Storm."

Amendment No. 1 was adopted without objection.

**HB 247**, as amended, was passed.

### **HB 155 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 155**, A bill to be entitled An Act relating to the abolishment of the State Banking Board and the transfer of the duties of the State Banking Board to the Banking Commissioner.

The bill was read third time and was passed.

### **HB 2283 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2283**, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

The bill was read second time.

#### **Amendment No. 1**

Representative Kuempel offered the following amendment to the bill:

Amend **HB 2283** as follows:

Strike Section 32 and substitute new Section 32 as follows:

**SECTION 32.** Section 845.301, Government Code is amended to read as follows:

Sec. 845.301. INVESTMENTS OF ASSETS. (a) The board of trustees shall invest and reinvest the assets of the retirement system without distinction as to their source in:

(1) interest-bearing bonds or other evidences of indebtedness of this state, a county, school district, city, or other municipal corporation of this state, the United States, or an authority or an agency of the United States;

(2) securities for which the United States or any authority or agency of the United States guarantees the payment of principal and interest;

(3) interest-bearing bonds, notes, or other evidences of indebtedness that are issued by a company:

(A) incorporated in the United States and that are rated "A" or better by one or more nationally recognized rating services approved by the board; or

(B) in whose stock the retirement system may invest as provided by Subdivision (4);

(4) common or preferred stocks of a company that is incorporated in the United States that ~~has paid cash dividends on its common stock for 10 consecutive years immediately before the date of purchase and~~, unless the stocks are bank or insurance stocks, ~~that~~ is listed on an exchange registered with the Securities and Exchange Commission or its successor;

(5) obligations issued, assumed, or guaranteed by the Inter American Development Bank, the International Bank for Reconstruction and Development (the World Bank), the African Development Bank, the Asian Development Bank, and the International Finance Corporation; or

(6) real estate mortgage investment conduit securities (REMICs) or other participation certificates issued by the Federal National Mortgage Corporation or by the Federal Home Loan Mortgage Corporation, evidencing an undivided beneficial interest in pools of real estate mortgage notes that are guaranteed as to payment of principal and interest by the issuer, or by any agency, authority, or instrumentality of the United States, and that are to be held in trust by the issuer for the benefit of the certificate holder.

(7) bonds issued, assumed, or guaranteed by the state of Israel.

(b) the board of trustees shall exercise control of the investment operations by employing an investment officer, who shall supervise the investment operations for the board of trustees.

(c) the board of trustees, acting on the recommendations of the investment officer, may contract with private professional investment managers to assist in investing the assets of the retirement system.

(d) the board of trustees shall employ one or more performance measurement services to evaluate and analyze the investment results of those assets of the retirement system for which reliable and appropriate measurement methodology and procedures exist. Each service shall compare investment results with the written investment objectives developed by the board of trustees and shall also compare the investment of assets being evaluated and analyzed with the investment of other public funds.

(e) The assets of the retirement system may be held in the name of agents, nominees, depository trust companies, or other entities designated by the board of trustees. The records and all relevant reports or accounts of the retirement system must show the ownership interests of the retirement system in these assets and the facts regarding the system's holdings.

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Kuempel offered the following amendment to the bill:

Amend **HB 2283** as follows:

(1) On page 10, between lines 9 and 10, insert a new SECTION 8 to read as follows:

SECTION 8. Section 843.201, Government Code, is amended to read as follows:

Sec. 843.201. SERVICE CREDIT FOR CERTAIN PUBLIC EMPLOYMENT [FACILITIES]. (a) The governing body of a participating subdivision by order may authorize the establishment of prior service credit in the retirement system for service performed in a public hospital, utility, or other public facility or governmental function during a time the facility was operated or function was performed by a unit of government other than the subdivision and before:

(1) the effective date of the subdivision's participation in the retirement system, if the facility was acquired or the governmental function was taken over by the subdivision before that date; or

(2) the date of acquisition of the facility or the date the governmental function was taken over, if the facility was acquired or the governmental function was taken over after the effective date of the subdivision's participation in the retirement system.

(b) A member eligible to establish credit under this section after an order under Subsection (a) is one who was employed by a public facility or by an entity performing the governmental function:

(1) on the effective date of subdivision participation, for service under Subsection (a)(1); or

(2) on the date of acquisition of the facility or the date the governmental function was taken over, for service under Subsection (a)(2).

(c) ~~The [maximum prior service credit allowable to a member under this section is computed in the manner prescribed by Section 843.105, but the]~~ allocated prior service credit allowable under this section may be limited by the order of the governing body to zero or to any percentage that is a multiple of five percent and [fractional amount of the maximum prior service credit] that does not exceed the percentage applicable to the computation of allocated prior service credits for employees of other departments of the subdivision.

(d) Allocated prior service credits are allowable for a subdivision only if the retirement system's actuary certifies that:

(1) the subdivision contribution rate will not exceed the employee contribution rate plus three percent, if the subdivision has adopted the provisions for an annually determined contribution rate plan under Subchapter H, Chapter 844; or

(2) the subdivision's unfunded actuarial accrued liability amortization period will be less than 25 years, if the subdivision has not adopted the provisions of Subchapter H, Chapter 844.

(2) On page 41, line 3, strike "32, 33, 34" and substitute "33, 34, 35".

(3) Renumber existing SECTION 8 and subsequent sections accordingly.

Amendment No. 2 was adopted without objection.

**HB 2283**, as amended, was passed to engrossment.

### **HB 1167 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1167**.

**CSHB 1167**, A bill to be entitled An Act relating to the farm and ranch finance program.

**CSHB 1167** was read second time.

Representative Kubiak moved to postpone consideration of **CSHB 1167** until 10 a.m. Tuesday, April 25.

The motion prevailed without objection.

### **HB 1415 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1415**.

**CSHB 1415**, A bill to be entitled An Act relating to the detection and prevention of osteoporosis.

**CSHB 1415** was read second time.

Representative McDonald moved to postpone consideration of **CSHB 1415** until 10 a.m. Monday, April 24.

The motion prevailed without objection.

### **HB 1296 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1296**, A bill to be entitled An Act relating to student fees for the University Center at the University of Houston.

The bill was read second time.

Representative Coleman moved to postpone consideration of **HB 1296** until 10 a.m. Monday, April 24.

The motion prevailed without objection.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Hirschi on motion of Brady.

### **HB 1208 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1208**, A bill to be entitled An Act relating to the economic development of tourism through the limitation of liability of passenger excursion trains.

The bill was read second time.

### **Amendment No. 1**

Representative Cook offered the following amendment to the bill:

Amend **HB 1208** as follows:

(1) In SECTION 1 of the bill add a new Subsection (c) to read as follows:  
(c) The comptroller may not certify an applicant under Subsection (a) of this section if the applicant or any person that owns an interest in the applicant also owns or operates a regularly scheduled passenger train service with interstate connections.

(2) In SECTION 2 of the bill add a new Subsection (c) to read as follows:

(c) The limitation of liability under Subsection (a) of this section does not apply if:

(1) the injury or damages result from intentional, malicious, or grossly negligent conduct; or

(2) at the time of the injury or damages the operator of the excursion train:

(A) failed to maintain insurance as required under Section 1(b) of this Act; or

(B) failed to comply with Section 5 of this Act.

(3) After SECTION 2 of the bill, insert the following:

SECTION 3. An application made under Section 1 of this Act must include:

(1) the name and address of each person who owns an interest of at least 10 percent in the applicant;

(2) an address in this state at which the excursion train is based;

(3) an operations plan including the route to be used and a schedule of operations and stops along the route; and

(4) evidence of insurance in an amount that meets the requirements of Section 1(b) of this Act.

SECTION 4. The operator of an excursion train that is certified under Section 1(a) of this Act shall:

(1) issue each passenger a ticket with the following statement in 12-point boldface type: "THE OPERATOR OF THIS TRAIN IS NOT LIABLE FOR PERSONAL INJURY OR WRONGFUL DEATH IN AN AMOUNT IN EXCESS OF \$5,000,000"; and

(2) post notice near a passenger boarding area containing the same statement required in Subdivision (1) of this section in letters that are at least two inches high.

SECTION 5. The operator of an excursion train that is certified under Section 1(a) of this Act may not carry:

(1) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew;

(2) passengers who are commuting to work; or

(3) passengers who are traveling to their final destination solely for business or commercial purposes.

(4) Renumber the remaining sections as appropriate.

Amendment No. 1 was adopted without objection.

**HB 1208**, as amended, was passed to engrossment. (Danburg recorded voting no)

### **HB 27 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 27**, A bill to be entitled An Act relating to an exemption from continuing education requirements for certain county commissioners.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Chisum, Representative Goolsby offered the following committee amendment to the bill:

Amend Line 8 of Page 1 of **HB 27** by adding the following language:  
in a county with a population of 1.5 million or more.

Amendment No. 1 was adopted without objection. (The vote was reconsidered on Friday, April 21, and Amendment No. 1, as amended, was adopted.)

**HB 27**, as amended, failed to pass to engrossment. (The vote was reconsidered on Friday, April 21, and **HB 27**, as amended, was passed to engrossment.)

### **HB 1616 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1616**, A bill to be entitled An Act relating to the regulation of retail installment contracts of certain goods and services.

The bill was read second time.

Representative Carona moved to postpone consideration of **HB 1616** until 10 a.m. Thursday, April 27.

The motion prevailed without objection.

### **HB 1551 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1551**.

**CSHB 1551**, A bill to be entitled An Act relating to judicial training in family violence, sexual assault, and child abuse issues.

**CSHB 1551** was read second time and was passed to engrossment.

### **HB 1696 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1696**, A bill to be entitled An Act relating to tuberculosis screening for certain employees of the Texas Department of Criminal Justice.

The bill was read second time.

### **Amendment No. 1**

Representative Maxey offered the following amendment to the bill:

Amend **HB 1696** by striking lines 13-15 and substituting the following:

(b) The institutional division shall provide tuberculosis screening for a person if:

(1) the person is an employee of:

(A) the institutional division; or

(B) the correctional managed care plan operated by The University of Texas Medical Branch at Galveston; and

(2) the person requests the screening.

Amendment No. 1 was adopted without objection.

**HB 1696**, as amended, was passed to engrossment.

**HB 576 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 576**.

**CSHB 576**, A bill to be entitled An Act relating to theft by check.

**CSHB 576** was read second time.

**Amendment No. 1**

Representative Pitts offered the following amendment to **CSHB 576**:

Amend **CSHB 576** by adding a new Section 2 to read as follows:

SECTION 2. Section 31.06, Penal Code is amended by adding Subsection (f) to read as follows:

(f) It is expressly intended herein for the drawee, or for a third party holder in due course of a check or order, payment of which is refused by the drawee, to have the right to initiate and maintain the prosecution of the criminal charges against the maker of the check or order, whether or not the original payee consents to the action.

Renumber subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Hochberg offered the following amendment to **CSHB 576**:

Amend **CSHB 576** as follows:

(1) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 32.41(d), Penal Code, is amended to read as follows:

(d) If notice is given in accordance with Subsection (c), it is presumed that the notice was received no later than five days after it was sent. Notice for purposes of Subsection (b)(2) is presumed to be received if the notice was:

(1) sent by first class mail showing the notation, "Forwarding and Address Correction Requested";

(2) addressed to the issuer as provided by Subsection (c); and

(3) returned unopened to the sender by a post office with markings indicating that the address is incorrect or that a forwarding order has expired.

(2) Renumber the remaining sections appropriately.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Gutierrez offered the following amendment to **CSHB 576**:

Amend **CSHB 576** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 153, Tax Code, is amended by adding Section 153.409 to read as follows:

Sec. 153.409. ISSUANCE OF BAD CHECK TO PERMITTED DISTRIBUTOR OR PERMITTED SUPPLIER. (a) A person commits an offense if:

(1) the person issues or passes a check or similar sight order for the payment of money knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders outstanding at the time of issuance;

(2) the payee on the check or order is a permitted distributor or permitted supplier; and

(3) the payment is for an obligation or debt that includes a tax under this chapter to be collected by the permitted distributor or permitted supplier.

(b) Sections 32.41(b), (c), (d), (e), and (g), Penal Code, apply to an offense under this section in the same manner as those provisions are applicable to the offense under Section 32.41(a), Penal Code.

(c) An offense under this section is a Class A misdemeanor.

(d) A person who makes payment on an obligation or debt that includes a tax under this chapter and pays with an insufficient funds check issued to a permitted distributor or permitted supplier may be held liable for a penalty equal to the total amount of tax not paid to the permitted distributor or permitted supplier.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Gutierrez offered the following amendment to **CSHB 576**:

Amend **CSHB 576** by adding appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 102.007(e), Code of Criminal Procedure, is amended to read as follows:

(e) In addition to the collection fee specified in Subsection (c) of this article, the county attorney, district attorney, or criminal district attorney shall [~~may~~] collect the fee authorized by Article 9022, Vernon's Texas Civil Statutes, for the benefit of the holder of a check or its assignee, agent, representative, or any other person retained by the holder to seek collection of the check.

SECTION \_\_\_\_\_. Article 102.0071, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0071. JUSTICE COURT DISHONORED CHECK. On conviction in justice court of an offense under Section 32.41, Penal Code, or an offense under Section 31.03 or 31.04, Penal Code, in which it is shown that the defendant committed the offense by issuing or passing a check that was subsequently dishonored, the court shall [~~may~~] collect from the defendant and pay to the holder of the check the fee permitted by Article 9022, Vernon's Texas Civil Statutes.

Amendment No. 4 was adopted without objection.

**CSHB 576**, as amended, was passed to engrossment.

#### **HB 960 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 960**, A bill to be entitled An Act relating to authorizing counties to sell county-developed computer software.

The bill was read second time.

**Amendment No. 1**

Representative Puente offered the following amendment to the bill:

Amend **HB 960** by adding sec. (e) on page 1, line 22, to read as follows:

(e) Notwithstanding any other provision of this section, the provisions of this section apply only to (1) the sale or licensure of a software product or system by a county or (2) a request under Chapter 552 of the Government Code for a computer software product or system itself, and do not apply to the cost of production for public inspection or copying of information collected, assembled or maintained through the use of such software, including on-line instructions on computer searches or information necessary to obtain records from county computer systems, which cost shall be governed by Chapter 552, Subchapter F, Government Code, without regard to the cost of developing the software.

Amendment No. 1 was adopted without objection.

**HB 960**, as amended, was passed to engrossment.

**HB 1914 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1914**, A bill to be entitled An Act relating to the form of a voter's name on a voter registration certificate.

The bill was read second time.

**Amendment No. 1**

Representative Solomons offered the following amendment to the bill:

Amend **HB 1914** as follows:

(1) On page 1, between lines 4 and 5, insert a new Section 1 of the bill to read as follows:

SECTION 1. Sections 13.002(c) and (d), Election Code, are amended to read as follows:

(c) A registration application must include:

(1) the applicant's ~~[name as follows:~~

~~[(A)] first name, middle name, if any, last name, and former name, if any [surname; or~~

~~[(B) first name, maiden name, and husband's surname if the applicant is a married woman using the husband's surname];~~

(2) the applicant's sex;

(3) the month, day, and year of the applicant's birth;

(4) a statement that the applicant is a United States citizen;

(5) if the applicant is a naturalized citizen, the location of the court of naturalization;

(6) a statement that the applicant is a resident of the county;

(7) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(8) if the applicant is currently registered in another county, the name of that county and the applicant's residence address on the registration certificate for that county;

(9) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

(10) if the application is made by an agent, a statement of the agent's relationship to the applicant; and

(11) the city or county and state, or foreign country, in which the applicant was born.

(d) The omission of the applicant's middle or former ~~[maiden]~~ name under Subsection (c)(1) or the applicant's zip code under Subsection (c)(8) or (9) does not affect the validity of a registration application, and the registrar may not reject the application because of that omission.

(2) On page 1, line 9, between "requirements" and the semicolon insert "prescribed by Section 13.002 and by rule of the secretary of state".

(3) Renumber sections of the bill accordingly.

Amendment No. 1 was adopted without objection.

**HB 1914**, as amended, was passed to engrossment.

### **RESOLUTIONS CALENDAR**

The speaker laid before the house the following resolution on committee report:

By Johnson, B. Hunter, Kubiak, Goolsby, and Van de Putte,

**HR 409**, Granting the Sesquicentennial Committee and its Events Subcommittee permission to use the house chamber on June 16, 1995, for the observance of the State of Texas Sesquicentennial.

The resolution was adopted without objection.

### **SB 128 - REQUEST OF SENATE GRANTED**

On motion of Representative Greenberg, the house granted the request of the senate for the appointment of a conference committee on **SB 128**.

### **SB 128 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 128**: Greenberg, chair, Danburg, Thompson, Nixon, and Pitts.

### **SB 360 - REQUEST OF SENATE GRANTED**

On motion of Representative Telford, the house granted the request of the senate for the appointment of a conference committee on **SB 360**.

**SB 360 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 360**: Telford, chair, Black, Chisum, Gray, and B. Hunter.

**RULES SUSPENDED**

Representative Talton moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 2423** and **HB 92**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Elections, on adjournment today, Desk 10, to consider **CSHB 127**.

Judicial Affairs, on adjournment today, Desk 67, to consider **SB 1379**.

Environmental Regulation, on adjournment today, Desk 98, to consider **SB 178**.

State Recreational Resources, on adjournment today, Desk 28, to consider **HB 1384**, **HB 1390**, and **HB 1823**.

Transportation, on adjournment today, Desk 22, to consider **HB 2496** and **HB 2754**.

Urban Affairs, on adjournment today, E2.010, Capitol Extension.

Public Health, on adjournment today, Desk 138, to consider **HB 299** and **HB 2377**.

Higher Education, on adjournment today, Desk 118, to consider **HB 29**, **HB 31**, **HB 289**, **HB 1214**, **HB 1836**, **HB 2486**, **HB 2314**, **HB 2507**, **HB 2640**, **SB 694**, **SB 773**, **SB 786**, **SB 875**, **SB 1299**, and **SCR 18**.

Higher Education, subcommittee on **HB 2531**, on adjournment today, Desk 118, to consider **HB 2531**.

Insurance, on adjournment today, Desk 24.

Redistricting, on adjournment today, speakers committee room.

**ADJOURNMENT**

Representative Greenberg moved that the house adjourn until 10 a.m. tomorrow in memory of the victims of the Oklahoma tragedy.

The motion prevailed without objection.

The house accordingly, at 4:06 p.m., adjourned until 10 a.m. tomorrow.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **SB 897**

Appropriations - **SB 17**

Business and Industry - **SB 488, SB 885**

Corrections - **HB 269**

County Affairs - **HB 1056, HB 1844, HB 2873, HB 2897, SB 934**

Economic Development - **HB 1997, HB 2337**

Energy Resources - **SB 219, SB 393**

Financial Institutions - **HB 3109**

House Administration - **HCR 4, HCR 160, HR 477**

Human Services - **HB 894, SCR 15**

Insurance - **HB 1511, HB 2960**

Judicial Affairs - **HB 436, HB 437, HB 438, HB 824, HB 1420, HB 1481, HB 1642, HB 1774, HB 1966, HB 2405, HB 2574, HB 2673, SB 240**

Land and Resource Management - **HB 957**

Public Safety - **HB 1953, HB 2428, SB 60**

Rules and Resolutions - **HCR 104, HCR 161, HCR 163, SCR 120, HR 500, HR 501, HR 503, HR 504, HR 507, HR 509, HR 510, HR 511, HR 512, HR 513, HR 518, HR 520, HR 521, HR 522, HR 523, HR 527, HR 528, HR 531, HR 532, HR 533, HR 534, HR 535, HR 536, HR 544, HR 545, HR 546, HR 548, HR 549, HR 571, HR 572, HR 575, HR 580, HR 583, HR 584, HR 586**

State Affairs - **SB 958, SB 959, SB 971**

State, Federal, and International Relations - **HB 814, HCR 94**

Transportation - **HB 2151, HB 2219, HB 2390, HCR 113**

Urban Affairs - **HB 740, HB 741, HB 742, HB 1951, HB 2083, HB 2097, SB 261, SB 287, SB 863**

#### **ENROLLED**

April 19 - **HB 988**

#### **SENT TO THE GOVERNOR**

April 20 - **HB 988**